

## EINSTEIN MILLIONS SAID TO DEPEND ON SECRET LETTERS

Lady Waldstein Got Them and Court Might Decide Father Died Intestate.

ALL TESTIMONY IS IN.

Fatman, Millionaire's Friend, Quotes His Words Disinheriting His Son.

The action of Prof. Joel Elias Spingarn, who was dismissed from Columbia University for anarchistic sympathies, to get a new interpretation of the will of his multi-millionaire father-in-law, David Lewis Einstein, and prevent his sister-in-law, Lady Charles Waldstein, from handing over to herself one-third of Einstein's residuary estate, which the disinherited son, Louis Einstein, lost, went into the hands of Justice Giegerich late today in the Supreme Court, and a decision will not be given for six weeks. The sum involved is between \$1,000,000 and \$1,500,000.

Justice Giegerich granted a motion of ex-Justice Leventritt, representing Spingarn, to restore all the adduced evidence presented to prove that there was a secret trust covering this \$1,000,000 or more.

The trustees of the estate, with the exception of Prof. Spingarn, favor Lady Waldstein's ownership. Prof. Spingarn, also a trustee, contends that there was a secret trust to the effect that the one-third share, known as Part C, was to be given Lewis Einstein, formerly American diplomat, if he divorced his wife, Helene Ralli, and if he did not, it was to be held for the grandchildren of D. L. Einstein—in other words, both the children of Lady Waldstein and those of Prof. Spingarn and his wife, Lady Waldstein's much younger sister.

POSSIBLE TO DECIDE HE DIED

INTESTATE.

The restoration of the evidence of a secret trust for Lewis Einstein, which had previously been ruled out, means that Justice Giegerich will have to decide two questions. First he will have to say whether or not there was a secret trust. If he decides that there was, Lady Waldstein cannot appropriate the money. If, following this possibility, Justice Giegerich decides that there was a secret trust which provided that Lewis Einstein, the son, should have Part C if he divorced his wife, this decision will have the effect of invalidating the will and leaving the estate in the position of that of a man who had died intestate. In other words a father cannot in his will force his son to put aside his wife under pain of disinheritance.

The alternative is to decide that there was no secret trust and that Lady Waldstein was within her rights in taking possession of Part C. "I am leaving my son \$5,000 a year. I don't want him to be a beggar. And then Florence can and will give him such sums as she thinks proper from time to time if he will dissolve his respectable marriage and show a sincere repentance."

This statement made to Solomon A. Fatman, one of his executors, by the late David Lewis Einstein and testified to today in the Supreme Court before Justice Giegerich, describes the feeling of Einstein for his estranged son.

Mr. Fatman, David L. Einstein's brother-in-law and lifelong friend, took the stand to tell what he knew of the supposed secret trust of Part C of the Einstein estate. His testimony was mainly on the side of Lady Waldstein in her contention that there was no secret trust to hold Part C for the benefit of her brother Lewis, and that she is within her rights in appropriating the money to herself. At one time Mr. Fatman was named in Lady Waldstein's will as beneficiary of this part C, which was valued at \$1,000,000 to \$1,500,000, but she has since then twice changed her will.

The seven mysterious letters which David L. Einstein left in his safety deposit box along with his will were once brought into question. Mr. Fatman was asked to tell about finding them. He said that he, his brother, Prof. Spingarn and others had gone to the Stock Exchange vaults and there opened three large strong boxes held by the testator.

He described almost glowingly how the boxes were packed with stocks and bonds and deeds to property. In one of the boxes was found the will. In rum-

## Beautiful Pittsburgh Girl To Be Bride of Henry E. Oelrichs



MISS ESTHER MORELAND

making about the witness came upon another envelope, on which was written:

"To Florence Seligman (Lady Waldstein) or my executors, January, 1908."

In this envelope were the seven letters which Prof. Spingarn, Lady Waldstein's brother-in-law, and his attorneys consider important in establishing the existence of the secret trust.

Mr. Fatman's testimony was, as all the testimony has been, sprinkled with references to the marriage of Lewis Einstein and Helen Ralli, the beautiful European twice divorced before she married him.

Mr. Fatman repeatedly used the terms "disreputable marriage," "scandalous marriage" and "marry a respectable woman."

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## BOMB IS PROOF HIS "MYSTERIOUS ENEMY" IS ALIVE

Grocer Jacobs Has Plate Glass Windows Shattered by an Explosion.

FOE USED OIL ONCE.

Wet Down Stock With Trust Product—No Real Clue Found Yet.

The Mysterious Enemy of Samuel Jacobs, grocer at No. 88 Hamburg avenue, Brooklyn, who bobs up now and then and plays some diabolic trick, exploded a bomb or a giant torpedo at the grocery store early today, roused all the neighborhood and shattered three plate glass windows.

The identity and motive of the Mysterious Enemy are unobtainable as the ways of "the Flying Dutchman" and Samuel says he'll give 50 cents or more to anybody who reveals the enemy to him. As far as Samuel can recall—and his memory is good—he never did a member of the human race a wanton injury, but he would not guarantee to keep his temper if he caught the man who does mean things to his grocery.

The Mysterious Enemy first came into Samuel's life last May. One bright morning in that month, when the birds were chirping and the trees were turning greener and greener, Samuel opened up his store and sadly observed that several articles of canned goods and other edibles were gone. That was bad enough. But there was worse to come.

Over the flour, the sugar, the potatoes and such other stock as would absorb it kerosene oil had been poured liberally by the Mysterious Enemy. Samuel sent for detectives.

ENEMY WAS A PATRON OF OIL TRUST.

"I can't imagine who did this," said Samuel ruefully; "nobody has ever been mad at me and nobody has ever threatened me; but if you will take a sniff at that sugar barrel you will be convinced there is at least one person in the world who doesn't, to put it mildly, entertain any high regard for my feelings."

The detectives sniffed barrel after barrel and after proper and due deliberation among themselves agreed that the Mysterious Enemy had used oil in an attempt to ruin his stock, but that as far as they ever got in the elucidation of the mystery.

As time went by Samuel finally got his store so it did not smell like a breeze from Bayonne, N. J., and, being of an optimistic temperament, almost came to the conclusion that there was no Mysterious Enemy sitting up nights to weave sinister plots against his stock of provision.

Now Samuel knows that he was too optimistic.

Early to-day Hamburg avenue trembled and rattled. This time the Mysterious Enemy was not using noiseless oil. He had turned his wicked hand to dynamite or something of the kind. For two or three blocks on either side of Samuel's grocery heads were thrust out of windows and the query ran along the house fronts. "What was that?"

ALL AGREED THERE WAS AN EXPLOSION.

Many men who did not stop to comb their hair or tie their cravats rushed into the street and galloped to Samuel's grocery. A shrewd policeman opined that there had been an explosion. This was also the consensus of civilian opinion.

"It is the Mysterious Enemy," said Samuel in much the sort of voice Ichabod Crane might have used in referring to the Headless Horseman. "When the policeman who first arrived picked up a tattered fragment of newspaper, about which twine was tied. It looked as though that might have been the wrapping for the bomb."

Anyway, Samuel accepted it as such, which was some comfort, for it was better to have a real bomb hurled at his grocery than for the Mysterious Enemy to be some sort of a demon chap, who merely crooked his finger, said "Phut!" and smashed up things with sulphur and brimstone.

WOMAN'S NOVEL SCHEME TO WIN IN WAR

Invents a Powder Which, Sprinkled Over an Army, Puts It to Sleep.

DRESDEN, Dec. 2.—The Nachrichten reports the discovery of a powder which will, it is said, put the enemy to sleep when the shells containing it are exploded in the ranks of the hostile army.

This narcotic powder, when exploded, emits a gas which produces stupor and effects on the men within reach of the fumes and they fall asleep and are horsed about for several hours. The inventor is a woman, Frau Boehm.

GRADE CROSSING FATALITIES.

Thirteen Killed, Eleven Injured on Railway Tracks Last Month.

Ernest S. Givens, statistician of the National Highway Protective Society, stated today that during the month of November there were thirteen persons killed and twelve seriously injured in highway railroad grade crossing accidents in New York City and New York State.

In the State of New Jersey five were killed and four injured. Eleven of a total of eighteen killed in the two States were pedestrians, but were not trespassing on the railroad tracks, but were passing over at grade crossings. Five were in automobiles and one in a wagon.

Both Engaged.

From The Cleveland Plain Dealer.

"Still have two cars?"

"Yes."

"I thought you intended to sell the older one."

"No. My son and his high school friends keep the old car busy."

"I see. You get the use of the new car yourself?"

"No, I don't. It keeps the new car hustling to tow the old car home!"

## CONGRESS STORMED BY SUFFRAGISTS 1,000 STRONG

Women Ask for a House Committee to Deal With the Votes Question.

WASHINGTON, Dec. 2.—Suffragists had another lining at the Capitol today. They descended in force on the House Rules Committee to argue for passage of the Equal Franchise amendment. More than three hundred enthusiastic feminine "lobbyists"—with a few mere men workers—packed the big hearing room. The oratorical bombardment was led by Dr. Anna Howard Shaw, President of the National Suffrage Association; Mrs. Carrie Chapman Catt, President of the International Suffrage Association; Miss Jane Addams of Chicago, Representative Raker of California and others.

The scene resembled a charge on a citadel when more than one thousand suffrage delegates closed in on the Capitol. The women advanced in regimental formation, in quick step order, and crowded the hearing room long before the committee arrived.

Dr. Anna Shaw had charge of presenting arguments for a House Committee to consider matters in relation to votes for women. She told the members it was not the purpose of the speakers to convert the Congressmen to suffrage, but to convince them that the suffrage movement was entitled to a House committee, equivalent to a similar body in the Senate.

Mrs. Ida M. Harper declared the suffrage movement had grown to national proportions, justifying a House committee; that the movement had not received its just treatment and that justice required that the movement should come under the jurisdiction of the national Congress.

Miss Debra Hreckenridge, Mrs. Mary Beard and Mrs. Carrie Chapman Catt also pleaded for the committee. Representative Raker of California spoke for his resolution, which would provide for a suffrage committee of thirteen members.

A resolution by Representative Kelly, Progressive, of Pennsylvania, was adopted, providing that the final vote of the rules committee on the women's proposal should be taken in public.

The suffragist convention recessed for the hearing. The afternoon state reports showing the progress of the movement by localities, were scheduled. The suffragists also hoped to decide on the time when they will see the President to urge his influence for "the cause."

A march seven times around the White House in imitation of the Israelites' triumphant assault on the walls of Jericho, was urged to-day by a large section of suffragist convention delegates as a protest against President Wilson ignoring them in his message to Congress.

The subject will be considered at the late afternoon session to-day. Suffragists declared to-day that such a march would have all the elements of a Biblical story except the trumpets, and that the walls of the White House, like the walls of Jericho, must yield to the onslaught.

At a wild applause Suffragettes in annual convention here this afternoon adopted a resolution calling upon President Wilson to send a special message to Congress, urging immediate consideration of the Suffrage Constitutional Amendment ahead of all other business.

The resolution, introduced by Mrs. Leonard M. Thomas, of Colorado, brought forth only a short discussion, in course of which, several delegates declared that the freedom of women is far more important than Currency and other legislation.

ABLAZE IN DIAMONDS AS HE PAYS \$50 FINE

But His Smile Wears Off When Court Scores Him for Locking Factory Fire Exit.

ABRAHAM COHEN, whose fingers fairly blazed with diamond rings, grinned as he pulled a big wallet from his pocket and peeled off five ten-dollar bills, which he tossed to the clerk in Special Sessions this afternoon. He is secretary and treasurer of the Wertz Silk Company, and on Nov. 15 Miss Minnie McMahon, an inspector, found a fire exit in the plant at No. 369 Park avenue locked and bolted. Cohen pleaded guilty and did not appear worried at the fine of \$50 which Justice Russell imposed. But his smile angered the Justice.

"Come back here," he called, and when Cohen faced him, all the smile gone, Justice Russell went on: "You seem to think this matter is a joke. Let me tell you it will be serious for you. Every time I think of the Asch Building fire, where 146 souls were killed, I regret the law won't let me punish you more. But remember the next time you are arraigned the penalty will be more serious."

Cohen denied vigorously that he saw anything funny and apparently he didn't when the Justice apparently he didn't hurry out of court.

Justice Russell also imposed fines of from \$15 to \$50 on the men arrested for violations of the sanitary code and \$20 fine for each of the men found smoking in factories.

Aviator Makes Lightning Shot.

REIMS, France, Dec. 2.—Jean Bieauvenc, the Peruvian Aviator who flew across the Alps in January this year, made a remarkable flying flight at the aerodrome here to-day, turning the nose of his monoplane upward he ascended 1,001 yards in 2 minutes 30 seconds, making an almost vertical spiral.

## Actress Heiress to \$250,000 Through Death of Father



MISS LILA MCCARTHY, daughter of Miss Lila McCarthy, who in private life is Mrs. Granville Barker, left an estate of a gross value of \$27,880. Miss McCarthy's share will be about \$250,000.

## MARRIAGE LICENSE GIVES FIRST NOTICE OF SOCIETY WEDDING

Miss Esther Moreland to Become Bride of Henry E. Oelrichs To-Morrow.

Miss Esther Moreland, daughter of Andrew M. Moreland of Pittsburgh, is to be married to-morrow to Henry E. Oelrichs of New York and Newport, son of Charles M. Oelrichs.

To all except their families and a few close friends, the announcement comes as a surprise, though it has been known for some time that the young folk were engaged without any formal announcement.

The wedding will be performed in the presence of a small company at the rectory of St. Patrick's Cathedral by Mr. Lavelle.

Late yesterday afternoon Mr. Oelrichs took his fiancée to the City Hall and procured the license. This followed a luncheon party at which Mr. and Mrs. Peter Martin, brother-in-law and sister of Mr. Oelrichs, were the guests.

Leonard M. Thomas will be the bridegroom's only attendant at the wedding. The bride will be given away by her father.

Society is greatly interested in this marriage. For two seasons Miss Moreland, with her sister and mother, has lived at Newport, where she has been greatly admired for her beauty and accomplishments. Last summer they occupied Beaconmont, the villa of Benjamin Thaw. The previous summer they spent at Mrs. Lee Thomas's place, Stoneacre.

Miss Moreland was educated in New York and Paris. She is a tall beauty, with dark blue eyes and brown hair. Having spent the autumn at her father's home, the Morelands came to New York a few days ago and took apartments at the Ritz-Carlton. Mr. and Mrs. George T. Mayne and the Misses Doyle have also come on for wedding.

LAWYER PATRICK'S WIFE DYING IN OKLAHOMA

Woman Who Fought Twelve Years for Condemned Husband Cannot Recover.

(Special to The Evening World.)

TULSA, Okla., Dec. 2.—Mrs. Albert T. Patrick, wife of the central figure in the remarkable Rice murder case in New York, is dying of an incurable malady in the Tulsa Hospital. Attending physicians say she has but a few days to live.

A surgical examination of her case a year ago in St. Louis revealed that recovery was impossible, but she was told her life could be prolonged by a change of climate. She tried the State of Washington, but at last it was decided to bring her to Tulsa, where Patrick has been making his headquarters, engaged in the production of oil and making a success of it. Patrick and his daughter, Miss Lucille Patrick, and Mrs. Patrick's son, Linn Patrick, are with her.

Few people knew until to-day that the woman whose devotion to her husband during his twelve years of prison life, nearly five years of which were spent in the death cell, attracted world wide attention, was here.

## MRS. EDDY'S BOOK USED TO PROMOTE RADIO STOCK SALE

Witness Testifies at Trial of Alleged Swindlers He Worked Among Christian Scientists.

A quotation from Mrs. Mary Baker Eddy's book "Science and Health" evoked an unusual scene in the United States District Court to-day, where the trial of Dr. Lee De Forest, an inventor, Capt. Samuel E. Darby, James Dunlop Smith and Elmer E. Burlingame, charged with using the mails to promote an alleged Radio Telephone stock swindle, is in progress.

William L. Bowman of Rochester, N. Y., who was one of the stock selling agents of the Radio Telephone Company, the parent company of the De Forest enterprise, testified that James Dunlop Smith induced him to become a stock salesman, suggesting that he peddle the stock among Christian Scientist friends.

"You know Mrs. Eddy predicted wireless in her book 'Science and Health,'" Bowman quoted Smith as saying. Then he recited the passage Smith had quoted him, which was "The spirit needs no wires or electricity in order to carry messages."

This quotation caused an outburst of applause among a group of women, in the court-room through which called forth a sharp rebuke from Judge Hunt. The enthusiasm subsided.

Earlier in the session that downtrodden member of society, the cub reporter, had his day in court. It dawned during the examination of C. H. McIntyre, an officer in the various subsidiary companies through which Radio stock was sold. McIntyre identified a letter sent to the Edgworth Company, one of the Radio companies, by its press agent, E. A. Casman, in which he spoke of his activities and the trouble he encountered in "putting his stuff across" on the newspapers.

"These damned cub reporters will use my name," he complained. "I am supposed to be the real goods. Am gradually getting my hand in, but just how the press will publish it is hard to control. They say what suits them."

The letter was introduced in connection with the effort to the Government to show that the alleged swindlers boosted the sale of stock in their enterprises through faked newspaper stories.

SEIZED AS SHOPLIFTER, WOMAN REFUSES NAME

Woman Friend Motors to Aid Her and Man Also Arrested—An Artist, He Says.

A woman about thirty-five and handsomely dressed, who refused to give her name, and a man who said he was John Wilson, an artist, living at Hartford, Conn., were arrested yesterday afternoon in Waukegan, Ill., charged with shoplifting. According to the store detectives, stolen articles valued at \$33 were found on them.

They were locked up in the Mayor's street police station and a few hours later a woman who wore jewelry and expensive clothes motored up to the station house and asked the lieutenant: "Is the lady who refused to give her name in this station?"

Told that she was, the woman drove off, refusing to answer questions. She appeared again, however, when the prisoners were arraigned in Night Court before Magistrate Nolan, accompanied by Jacob Steifel, a lawyer, of No. 140 Nassau street. Steifel said he had been engaged to defend the woman, who is the wife of a Connecticut business man. He asked that bail be fixed at \$500 for the two.

The Magistrate held the pair in \$1,000 each for further hearing to-morrow. They could not raise the amount and went to jail.

DE BORST CASE SETTLED.

Judge Stops Backstairs Gossip After Partial Trial.

The separation suit of Mrs. Fannie P. DeBorst against her broker husband, Louis L. DeBorst, has been settled out of court through the good offices of Justice Klinger, before whom the case went through part of a trial. As far as it had gone, the evidence recounted a mad melee of cocktails, lobster and as mistle, card tables kicked over, husbands in pajamas, irate women friends of the wife, highballs and belated beer.

The husband intended to put on the stand two maids formerly employed in the DeBorst home, and if the trial had proceeded they were to tell of scenes at bridge parties at which women played for high stakes and drank to excess.

One Ten Cent Box of EX-LAX

The Famous Chocolate Laxative

will regulate your bowels and relieve you of the miseries of Constipation

If your stomach isn't just right, if you have a bad taste in the mouth, coated tongue, feel distressed after eating and have frequent headaches, try Ex-Lax. This will tone up your stomach, aid digestion, promote healthy vigor and strengthen the nervous system. You will be surprised to see how quickly your energy, ambition and appetite will come back to you.

10c, 25c and 50c a Box, at All Drug Stores.

## LESS MEAT IF KIDNEYS HURT OR YOU'RE BACKACHY AND RHEUMATIC

Meats form uric acid, which clogs kidneys; causes Rheumatism and irritates bladder.

If you must have your meat every day, eat it, but flush your kidneys with salts occasionally, says a noted authority, who tells us that meat forms uric acid, which almost paralyzes the kidneys in its efforts to expel it from the blood. They become sluggish and weaken, then you suffer with a dull misery in the kidney region, sharp pains in the back or sick headache, dizziness, your stomach aches, tongue is coated, and when the weather is bad you have rheumatic twinges. The

urine gets cloudy, full of sediment, the channels often get sore and irritated, obliging you to seek relief two or three times during the night.

To neutralize these irritating acids, to cleanse the kidneys and flush out the body's urinous waste, get four ounces of Jad Salts from any pharmacy here; take a tablespoonful in a glass of water before breakfast for a few days, and your kidneys will then act fine. This famous salts is made from the acid of grapes and lemon juice, combined with lithia, and has been used for generations to flush out the system, to neutralize the acids in the blood, so it no longer irritates, thus ending bladder weakness.

Jad Salts is inexpensive, cannot injure, and makes a delightful effervescent lithia water drink.